UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION, Plaintiff/Counter-Defendant	§	
	§	Civil Action No. 2:06cv72
vs.	§	
	§	Jury Trial Demanded
WELLS FARGO & COMPANY, ET AL. Defendants/Counter-Plaintiffs	§	

UBS AMERICAS, INC.'S NOTICE OF ACCEPTANCE OF STIPULATION REQUIRED FOR STAY

The Court, having considered the parties' briefing and oral argument, ordered (Docket No. 411) that a stay of proceedings related to the "Ballard Patents" in this case – U.S. Patent Nos. 5,910,988 and 6,032,137 – ensue in light of developments in the ex parte reexaminations initiated by First Data Corporation (hereafter "petitioner") of the Ballard Patents (Reexamination Control Nos. 90/007829, 90/007830). As a required condition of the Court's stay, Defendant UBS Americas, Inc. ("UBSAI") hereby notifies the Court that it accepts the following stipulation and the concomitant stay of proceedings:

> As a condition of the stay, Defendant may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendant will be permitted to rely for obviousness on the combination of a printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

Dockets.Justia.com

Dated this 19th day of January, 2007.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on January 19, 2007. This pleading was therefore served on all counsel deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Scott W. Breedlove
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